

FILED
U.S. BANKRUPTCY COURT

2009 SEP 11 P 2:42

POUGHKEEPSIE, NY

BANKRUPTCY COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF NEW YORK

-----) MOTION RE SEPT. 15, 2009

IN RE SUZAN ROBERTA ABBOTT CASE No. 09 37125- cgm

Chapter 7

-----)

**OBJECTION; NOTICE OF ERROR; REQUEST FOR ORDER
TO COMPEL PRODUCTION & TO VACATE HEARING SCHEDULED
FOR SEPTEMBER 15, 2009.**

PLEASE TAKE NOTICE THAT DEBTOR, SUZAN ROBERTA ABBOTT,
moves the court to notice the error and or mistake of listing AURORA
LOAN SERVICES, LLC, (AURORA) as a creditor in this case.

It has come to the attention of debtor that AURORA LOAN
SERVICES is not listed or registered with the New York Department
of State Division of Corporations; does not, (and probably never did)
hold or possess the note or purported security in question
(assuming, without admitting, the same was ever valid); did make
materially misleading representations or statements of facts in the

Supreme Court of the State of New York alleging it was or is a proper plaintiff.

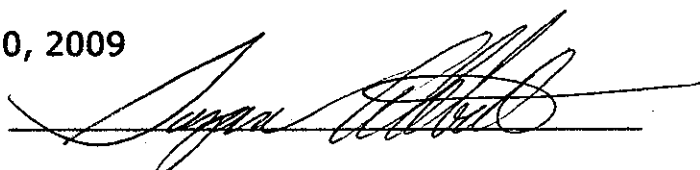
At no time has AURORA LOAN SERVICES, LLC lent or provided Debtor any funds, loans, or extensions of credit.

Said REQUESTS for a full and lawful accounting is hereby made with failures to produce said accountings and failures to produce the original note with other lack of compliance with New York Law coupled with the material misrepresentations implicate Federal Rules of Civil Procedure 17(a), regarding the Real Party in interest, and other well established rules prohibiting lawyers from testifying in proceedings. For example, See DR 5-102, codified as N.Y. COMP. CODES R. & REGS. Title 22, §1200.21.

Wherefore, Applicant asks this court to consider compelling AURORA LOAN SERVICES, LLC, to produce the security and original note or alternatively discharge AURORA LOAN SERVICES LLC, from the list of creditors in this proceeding and/or compel AURORA LOAN SERVICES LLC, through its counsel, KIYAM J. PAULSON, ESQ., and the firm of DRUCKMAN LAW GROUP PLLC., Attorneys for AURORA LOAN SERVICES LLC, to produce the original note it is alleging it holds as the "secured party" and to provide the requested verified and lawful accounting (see attached REQUEST).

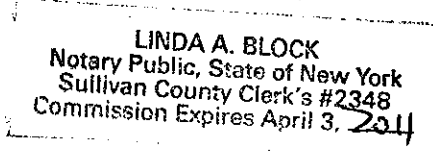
Applicant asks that the court order the September 15, 2009, hearing be taken off calendar and for any other relief the court deems appropriate.

September 10, 2009



Suzan Roberta Abbott

Linda A. Block 9/10/09



BANKRUPTCY COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF NEW YORK

-----) MOTION RE SEPT. 15, 2009

IN RE SUZAN ROBERTA ABBOTT CASE No. 09 37125- cgm

Chapter 7

-----)

**ORDER DIRECTING PRODUCTION OF ORIGINAL NOTE;
VACATING HEARING SET FOR SEPTEMBER 15, 2009**

Whereas, pursuant to the notice of error by Debtor, SUZAN ROBERTA ABBOTT, and her request for an order compelling production of the original note and/or evidence of AURORA LOAN SERVICES registration with the New York Department of State, and a lawful verification of accounting, and pursuant to Federal Rules of Civil Procedure 17(a) and Federal Rules of Evidence and after examination of the files and records it is found that the

Motion should be granted, and it is accordingly:

Ordered, the September 15, 2009 hearing is vacated;

Ordered, that AURORA LOAN SERVICES, LLC AND THE DRUCKMAN LAW GROUP produce the original note AURORA LOAN SERVICES LLC, is alleging it possesses;

Ordered, that DRUCKMAN LAW GROUP, on or before September 15, 2009,

is to produce evidence of AURORA LOAN SERVICES LLC, registration with Division of Corporations, of the State of New York prior to the commencement of the State Court proceedings INDEX No. 1331-08;

Ordered, In the alternative to production of the above note and registration, that DRUCKMAN LAW GROUP show cause why AUROERA LOAN SERVICES LLC, et al., should not be found to have misrepresented material facts and engaged in creation of a construction upon the record sufficient to find it lacks standing, and that it is not a "real party in interest" in accordance with Civil Rule of Procedure 17(a) and in such cases as **AURORA LOAN SERVICES LLC v Abdul Sattar, 17 Misc 3d 1109A;** 851 NY 2d 62, where it appears that said AURORA LOAN SERVICES LLC et al., acted in bad faith.

Ordered, the conduct is found to be misleading and constitutes a habit and routine practice within context of Federal Rules of Evidence.

Dated: Poughkeepsie, New York

Hon. Cecilia G. Morris

United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
SOTHERN DISTRICT OF NEW YORK
POUGHKEEPSIE DIVISION
355 Main Street
POUGHKEEPSIE, NEW YOURK 12601
(845) 452 4200

In Re 09 37125 CGM

SUZAN ROBERTA ABBOTT Chapter 7

-----)
TO THE CLERK AND THE PARTIES PLEASE TAKE NOTICE; that
objection is tendered and made to the application to vacate stay and
for other appropriate relief including, but not limited to, production
of documents, and ordering of the hearing set for September 15,
2009, off calendar.

Paul L. Banner, Trustee United States Trustee
515 Haight Avenue 74 Chapel Street
Second Floor, Suite A Albany, N.Y. 12207
Poughkeepsie, New York, 12603

DRUCKMAN LAW GROUP PLLC
ATTORNEYS FOR PLAINTIFF

Attn: Kiyam J. Poulson
242 Drexel Avenue
Westbury, New York 11590


Suzan Roberta Abbott

L. A. Block 9/10/09
LINDA A. BLOCK
Notary Public, State of New York
Sullivan County Clerk's #2348
Commission Expires April 3, 2011

BANKRUPTCY COURT OF THE UNITED STATES
SOUTHERN DISTRICT OF NEW YORK

-----) MOTION RE SEPT. 15, 2009

IN RE SUZAN ROBERTA ABBOTT CASE No. 09 37125- cgm

Chapter 7


-----)

AFFIDAVIT IN SUPPORT OF OBJECTION

I, the undersigned being duly sworn depose and state that I am the debtor in this within cause and I do hereby certify that the statements and allegations set forth in the foregoing Motion are true and accurate to the best of my knowledge and belief.

1. I am in peaceful possession of my property and I am informed and believe that I mistakenly listed Aurora Loan Services LLC – ALS as a lender in this matter.
2. In support of this application the court is requested to judicially notice the cause of ALS v. SATER 17 Misc 3d 1190A851 NY 2D 62 indicates what may be a habit and routine practice within context of federal rule of evidence and may operate as an offer of proof at the court's discretion.
3. No monies or funds were lent to me by ALS.
4. I am entitled to the relief requested.
5. I believe that the court may grant the relief requested and should do so forthwith or dismiss the cause as requested.

September 10, 2009



Suzan Roberta Abbott

Subscribed and sworn before me a Notary Public in and for Sullivan County, New York by Suzan R. Abbott, who personally appeared and executed the same in my presence on this 10 day of September, 2009.



Notary Signature

LINDA A. BLOCK
Notary Public, State of New York
Sullivan County Clerk's #2348
Commission Expires April 3, 2011